

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Martin Beer *et al.*

Serial No.: 10/526,354

Filed: January 17, 2006

For: NON-HUMAN HERPESVIRUSES AS
VECTORS

Group Art Unit: 1648

Examiner: Mosher, Mary

Atty. Dkt. No.: DEBE:049US

Confirmation No. 8965

CERTIFICATE OF ELECTRONIC TRANSMISSION
37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

February 13, 2008
Date

Steven L. Highlander

RESPONSE TO OFFICE COMMUNICATION DATED DECEMBER 17, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

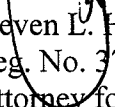
This paper is submitted in response to the Office Communication dated December 17, 2007 for which the date for response is February 17, 2008, in view of the Petition for Extension of Time and fee filed concurrently herewith. No additional fees are believed due in connection with this paper. However, should any additional fees become due, please consider this paragraph a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEBE:049US/SLH.

In response to the restriction which the Examiner imposed, Applicants elect, without traverse, to prosecute claims 9 and 13, *i.e.*, the Group II claims. Further, in response to the

species election, Applicants elect the Herpesvirus species. Claims 9 and 13 read on the elected species and are generic.

The Examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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Date: February 13, 2008